

10/30/97

149793

From: RICHARD BOICE
To: McLaughlin-Andrea, Furey-Eileen
Date: 10/30/97 2:14pm
Subject: Willow Blvd/A-Site Proposed Plan

Thank you for your input on a number of difficult issues. Relative to use of the presumptive remedy guidance, I felt that following Wendy's advice (which I understand were forwarded to you by E-mail) would essentially reconcile our two positions on this issue. Therefore, I have modified my draft comment letter to be consistent with Wendy's advice. I have also revised some of the wording and added a couple comments. The revised draft comment letter is attached for your consideration and review. Since I need to provide EPA's comments to MDEQ by Monday, November 3, please provide your comments or response to the revised draft language by E-mail or telephone by early Monday afternoon. My telephone number is (312) 886-4740. I will be out of the office on Friday, October 31, but will be in the office on Monday.

CC: Carney-Wendy, Roundtree-Terry

10/29/97

From: WENDY CARNEY
To: R5ORC.R5ORC1.FUREY-EILEEN, ROUNDTREE-TERRY, RTPMAI...
Date: 10/29/97 11:52am
Subject: Willow Boulevard/A-Site Proposed Plan -Reply

Rich - In reviewing your letter and the questions you raise on a few of the comments I have the following thoughts:

1. Citing the Presumptive Remedy Guidance - Overall the comment is accurate in that the presumptive remedy guidance for municipal landfills is not directly applicable to this site since it is not a co-disposal landfill. I also however agree with your comments that the volume of the material and the fact that we consider the material to represent a low-level threat to be sound rationale for considering only containment. What I might suggest is that we not ask the State to delete the references but to modify the references. For example rather than saying that the guidance is applicable, indicate that "the guidance on presumptive approaches for municipal landfills was used as tool to help develop an appropriate set of alternatives for this site since the materials at the site are a large volume and would be considered low-level threat materials."

2. Only 2 alternatives: This does not present a concern for me since the NCP speaks to the issue of large volumes of materials and low-level threat materials. In general, the NCP anticipates containment as the remedial approach in these circumstances. As such, I do not think it is necessary to develop alternatives beyond containment for this site nor to develop more than one containment option.

I have a one additional comments for consideration:

1. While the proposed plan appears to indicate implementation of stabilization of earthen dikes at the A-site and a retention wall at the Willow Boulevard site for purposes of erosion control, it is unclear to me whether these activities will provide adequate erosion protection of the 100 year floodplain. I think it is important for the state to be explicit about ensure adequate erosion protection for the 100 yr floodplain.

If you have any questions on my thoughts let me know. Thanks!

10/29/97

From: Andrea McLaughlin
To: R5WST.R5WASTE(BOICE-RICHARD)
Date: 10/29/97 11:22am
Subject: Re: Willow Boulevard/A-Site Proposed Plan

Richard,

Thank you for sending me a copy of your letter concerning the Willow Boulevard/A-Site Proposed Plan. With the exception of the comment concerning the presumptive remedy, your comments appear fine to me. With respect to the presumptive remedy at this site, although it might be inconsistent with reviews for previous operable units, I think it is important to remove references to the presumptive remedy for this site. The approach for the site was streamlined, building off of the work done at previous OUs, and is similar in approach to the "plug-in" RODs written in Region 9. It is not, however, a presumptive remedy. I do not see the value in perpetuating an error, i.e., continuing to have this referred to as a presumptive remedy. The containment decision is an appropriate decision based on an analysis of the nine criteria. The nine criteria are what the remedy decision should be based on, not the presumptive remedy.

Please let me know if you would like to discuss this any further.

Thanks.

Andrea McLaughlin

CC: R5WST.R5WASTE(CARNEY-WENDY,ROUNDTREE-TERRY)

16/29/97

From: RICHARD BOICE
To: Furey-Eileen, McLaughlin-Andrea, Carney-Wendy, Rou...
Date: 10/29/97 10:47am
Subject: Willow Boulevard/A-Site Proposed Plan

I have received comments from everyone except Wendy and Terry. I have compiled the comments that I have received into the attached draft letter. I believe that the letter addresses all of the comments received, except as explained below. If you have any problems with the letter or the following explanations, please let me know by November 3 through WPO or by calling me at (312) 886-4740.

1. Eliminating use of the Presumptive Remedy Guidance for Municipal Landfills:

Actually, I have incorporated this comment into the draft letter. However, I would like the reviewers to consider not including this comment for the following reasons. 1) We did not make this comment in writing for the 12th Street Landfill. Therefore, we will be perceived to be inconsistent, if we include this comment. 2) It seems to me that restricting consideration of remedies to containment options is appropriate for any site where treatment or off-site disposal is impractical. In the case of the King Highway Landfill, the 12th Street Landfill, and the Willow Blvd/A-Site, treatment or off-site disposal are impractical because of the relatively high cost for treatment or off-site disposal of large volumes of relatively low-level contaminated waste. Since this is similar to the situation at municipal landfill sites, which also contain large volumes of low level contamination, it appears appropriate to use this guidance. The fact that municipal landfills contain heterogeneous wastes while these sites are monofills of industrial wastes seems rather unimportant, since the end results of the evaluation of alternatives will be the same.

Please call me and let me know how you feel about this.

2. Eileen Furey does not like the idea of accepting an FS that only evaluates the no action alternative, and a relatively low-cost capping alternative. If the gas venting layer is not installed, the proposed cap would be equivalent to a RCRA cap except for the absence of a drainage layer above the FML. In my opinion it would be hard to justify a more extensive cap, since no ground water contamination has been detected. MDEQ has determined that the proposed cap would meet NREPA requirements, which is the only ARAR that has been identified.

3. Andrea advised to remove the reference to dechlorination of PCBs because it is unverifiable (p. 8 of Proposed Plan). I do not think that this reference has to be removed since the Proposed Plan only states that the dechlorination "may occur".

4. In Marilyn Berg's comments, I do not understand why she states that "Excavation is not a trigger". Other TSCA staff have explained to me that TSCA becomes applicable to soils or sediments that contain ~~more~~ equal to or more than 50 ppm PCBs only when it is excavated. I do not know which RCRA regulations for PCBs, Marilyn is concerned about.

10/29/97

From: EILEEN FUREY
To: R5WST.R5WASTE(BOICE-RICHARD)
Date: 10/29/97 3:49pm
Subject: Willow Boulevard/A-Site Proposed Plan -Reply

Rich,

The NCP doesn't allow us to consider only containment remedies for remedial actions simply because off-site disposal or treatment is "impractical." One of the most important components of the remedy selection process is telling the public what we considered, and why we rejected certain options. By failing to put before the public options which we discarded early on as "impractical," we don't adequately inform the general public of what other options are available, albeit expensive. I believe that once we say a presumptive remedy is not appropriate here due to TSCA concerns, then an obligation kicks in to at least apprise the public of more than a single option.

I also remain concerned about the track record we are creating by approving proposed plans that rely extensively on the FFS performed for the King Highway Landfill. I think we are playing directly into the hands of the state and the PRPs in that they got us to approve the first of these RODs, where waiving TSCA seemed, in Scott's words, "realistic." It is likely that, when it comes time to select the remedy for some of the disposal areas at this site, we are going to want more in the way of a remedy than the state is going to propose (e.g. a RCRA cap at Allied Paper after we store sediments there). Unless we go on record early and often as saying that EPA's approval of any of these RODs in no way suggests that we will go along with waiving TSCA later on, then the state and the PRPs are going to yell loud and hard at an inconsistency when we start requiring "add-ons" to caps, or leachate collection systems, drainage layers, etc.

Eileen

From: JEAN GREENSLEY
To: REED-PHYLLIS, R5WASTE.CARNEY-WENDY, CONNELL-JOHN, ...
Date: 10/27/97 8:54am
Subject: King Highway Landfill ROD and TSCA waiver -Reply -Forwarded -Reply

Rich:

Your meeting notes are fine. However, I am concerned about the problem Eileen raised in her message to you regarding the effect of Dave's signature of the ROD. If the Dave's signature of the ROD grants the TSCA waiver but does not guarantee TSCA the opportunity to approve and review portions of the remedial design and the Operation and Maintenance Plan, then these contingencies should be included in the ROD.

Jean
3-1171